

Service Date: October 3, 2006

FINAL ORDER NO. 6775a

DEPARTMENT OF PUBLIC SERVICE REGULATION  
MONTANA PUBLIC SERVICE COMMISSION  
P.O. Box 202601  
Helena, Montana 59620-2601

IN THE MATTER OF <b>Thomas S. Bandstra dba</b>	)	Docket No. T-06.25.PCN
<b>Mountain Wind Construction</b> , Livingston,	)	
Montana, Application for a Montana Intrastate	)	Order No. 6775a
Certificate of Public Convenience and Necessity.	)	

The Commission, being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On July 20, 2006, **Thomas S. Bandstra dba Mountain Wind Construction**, Livingston, Montana, filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing transportation of the following:

Class D – Construction debris between all points and places within Livingston, Montana and a fifty (50) mile radius. Carrier is allowed to transport authorized commodity to certified landfills from territory authorized.

2. In accordance with Section 69-23-321, MCA, this matter was noticed to the public August 10, 2006. That notice said in pertinent part:

If no written protests are received by August 29, 2006, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support.

3. All protests were withdrawn after the Applicant restrictively amended the application. The amendments are incorporated into the Order granting authority herein.

4.. The record of this application is available for inspection at the Public Service Commission Office, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana 59620-2601.

### CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

### ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 1701 Prospect Avenue, Helena, Montana, on Tuesday, the 26th day of September, 2006, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-06.25.PCN, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of **Thomas S. Bandstra dba Mountain Wind Construction**, Livingston, Montana, for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

Class D – Construction debris between all points and places within Livingston, Montana and a fifty (50) mile radius thereof. Carrier is allowed to transport authorized commodities to certified landfills from territory authorized.  
LIMITATION: Transportation is limited to movements conducted in Park County, Montana.

IT IS FURTHER ORDERED that a full, true, and correct copy of this order be sent forthwith by first class mail to the applicant and all parties herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 26th day of September, 2006, by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

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GREG JERGSON, Chairman

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BRAD MOLNAR, Vice Chairman

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DOUG MOOD, Commissioner

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ROBERT H. RANEY, Commissioner

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THOMAS J. SCHNEIDER, Commissioner

ATTEST:

Connie Jones  
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Final Order issued in Docket T-06.25.PCN in the matter of **Thomas S. Bandstra dba Mountain Wind Construction**, Livingston, Montana has today been sent to all parties listed.

MAILING DATE: October 3, 2006

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FOR THE COMMISSION

FIRST CLASS MAIL

Thomas S. Bandstra  
dba Mountain Wind Construction  
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Livingston, MT 59047

Allied Waste Services of North America LLC  
Mr. Max Bauer  
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AS ITS INTERESTS MAY APPEAR:

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